

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM
Section 1: Chama Mainstream

RANCHITOS DITCH

Subfile No. 4.1

MOTION TO AMEND NOTICE AND ORDER TO SHOW CAUSE

COMES NOW the Plaintiff State of New Mexico on the relation of the State Engineer and requests the Court to amend the Notice and Order to Show Cause filed October 13, 2006 (Doc. No. 8412) ("Notice and Order to Show Cause") in connection with Defendant Frances A. Martinez and subfile 4.1 in Section 1 of the Rio Chama Stream System, and as grounds states the following:

1. Defendant Frances A. Martinez has filed no objection to the Notice and Order to Show Cause within the time allowed (45 days).

2. The Notice and Order to Show Cause contained a clerical error and incorrectly stated the amount of irrigated acreage under subfile 4.1. The amount of irrigated land was described as 9.6 acres. The correct amount of total irrigated acreage mapped this subfile is 9.84 acres, as shown on the color subfile map that was attached to the Notice and Order to Show Cause.

3. The description of the amount of irrigated acreage in the Notice and Order to Show Cause should be amended to describe 9.84 acres of irrigated land.

WHEREFORE the State of New Mexico respectfully requests the Court to enter an Order

amending the Notice and Order to Show Cause to describe 9.84 acres of irrigated land. Further, in the absence of a timely objection to the granting of this Motion, the State requests that the Court enter a Subfile Order that determines that the total amount of acreage with appurtenant irrigation water rights under subfile 4.1 is 9.84 acres.

Respectfully submitted,

/s/ Ed Newville
EDWARD G. NEWVILLE
Special Assistant Attorney General
Office of State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 867-7444

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 19th day of January, 2007 I filed the foregoing electronically through the CM/ECF system and served the following non-CM/ECF Participant in the manner indicated:

via first class mail, postage prepaid addressed as follows:

Frances A. Martinez
P.O. Box 166
Abiquiu, NM 87510

/s/ Ed Newville
Edward G. Newville